

P1/5

United States District Court <sup>RECEIVED
SDNY PRO SE OFFICE</sup> 6/2/21
for the
Southern District of New York

Joshua Adam Schulte,

Case No.

Plaintiff,

(to be filled in by Clerk)

-V-

United States of America,
Wardens of MCC, 10/2018 - 6/2021,
SAU Lieutenants of MCC, 10/2018 - 6/2021,

Defendants.

COMPLAINT FOR VIOLATION OF
CIVIL RIGHTS (PRISONER COMPLAINT)

I. The Parties to the Complaint

A. The Plaintiff

Name: Joshua Adam Schulte

AKA: Josh

ID: 71471054

Institution: Metropolitan Correctional Center (MCC)

Address: 150 Park Row, New York, New York 10007

I. B. The Defendants

Defendant No. 1

Name: United States of America (Under the FTCA)

Defendant No. 2

Name: All Wardens of the MCC, 10/2018 - 6/2021

Defendant No. 3

Name: All SHU Lieutenants of the MCC, 10/2018 - 6/2021

II. Basis for jurisdiction

Federal Tort Claims Act for Defendant No. 1

Bivens claim for defendants 2-3

Under Bivens, defendants violated 5th and 8th Amendments

III. Prisoner status - Pretrial detainee

IV. Statement of Claim

During the period of October 2018 to present, defendants tortured plaintiff by sleep deprivation. Defendants subjected plaintiff to constant lighting inside his cage that could not be turned off and also did not provide a light switch in his cage to toggle the other lights that could be turned off. Defendants violated 5th amendment by arbitrarily subjecting plaintiff to this punishment without Due Process; violated 8th amendment by subjecting plaintiff to cruel and unusual punishment through sleep deprivation. During this time period every other MCC inmate could toggle the lights in their cells, and did not have lights that could not be turned off at all in their cell.

P.3/5

I. Injuries

Plaintiff experienced permanent psychological damage from constant sleep deprivation and torture.

II. Relief

Plaintiff requests Court compel the MCC to offer plaintiff a light switch to toggle ALL lights in his cage just as other MCC inmates have. MCC can easily install a master switch to override cage switch if it so desires.

Plaintiff seeks monetary damages due to permanent psychological damage. Pursuant to the FTCA, Plaintiff filed with the BOP on 12/14/20 for compensation of \$1 million per day exposed to constant cage lighting and sleep deprivation and \$1 million per day denied light switch to toggle remaining lights as all other MCC inmates have. After 6 months, the BOP never responded, and accordingly Plaintiff now seeks restitution in Court along with unspecified damages from defendants 2 and 3.

III. Exhaustion of Administrative Remedies

Plaintiff originally filed grievances in December 2018, and appealed to the Central office. All administrative remedies were denied. Plaintiff additionally filed for administrative remedies in 2019, 2020, and 2021 that were all ignored. Subject matter of grievances was the same as the claims herein. For copies of the initial administrative remedies, see exhibits of Petition for Writ of Habeas Corpus to Modify Conditions of Confinement, 17-cr-548 (SDNY, PAC), Dkt. 455 (Exhibit B).

VII. Previous Lawsuits

NO cases dismissed based on "three strikes rule"

A. Have you filed other lawsuits dealing with the same facts included in this action? YES (not FTCA claims)

1. Parties to previous lawsuit

Joshua Alan Schulte v. Attorney General of the United States, et al.

2. Court: SDNY

3. Docket: ~~20-cv-00004~~ 19-CV-5346-PAC

4. Judge: Paul A. Crotty

5. Approximate date of filing: 4/12/19

6. Case status - Administratively closed

7. Result of case - Judge Crotty administratively closed the case until the criminal case was ~~not~~ resolved so the issues would then be moot.

C. Have you ever filed other lawsuits relating to conditions of confinement? YES

1. Parties to the previous lawsuit

Joshua Alan Schulte v. Bureau of Prisons, et al.

2. Court: SDNY

3. Docket: 20-CV-2795-PGB-BWG

4. Judge: Gardephe, Magistrate Gorenstein

5. Approximate date of filing: 5/2020

6. Case status: Pending discovery

7. Result of case: Pending discovery

Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's office may result in the dismissal of my case.

Date of signing: 6/2/2021

Signature of Plaintiff: *Josh Schulte*

Printed Name of Plaintiff: *Josh Schulte*

Prison ID #: *79471034*

Prison address: *MCC
150 Park Row
NY, NY 10007*

Clerk of Court,

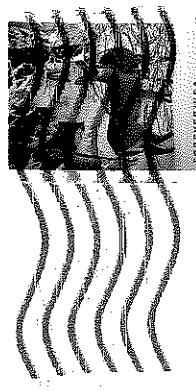
Enclosed herem is a new complaint for violation of civil rights. I do not possess the motion for IFP, accompanying affidavit, or the prisoner authorization forms. I ask the court to mail me those forms that I may complete the process for IFP status to file the civil complaint without prepayment of fees.

Thanks,

Plz/4 Josh Schulte, pro se
Josh Schulte

P.S. Note that the MCC is currently delaying all mail from the courts from reaching me for 4-6 weeks. There is a separate ongoing civil complaint to address ~~the~~ this issue, but until it is resolved please allow 4-6 weeks until I receive any mail from the court.

Additionally, this is a separate and new civil rights case, not a duplicate of the other recently filed cases on 6/1/21 or the first one from 6/2/21.



Fish Schulte #74471054
WCL
150 Park Row
NY, NY 10007

NEW YORK NY 100
9 JUN 2021 PM 7 L

ATTN: New complaint re Violation of Civil Rights

PRO SE PLAINTIFF OFFICE
United States District Court
500 Pearl Street
NY, NY 10007

2021 JUN 10 PM 2:38

RECEIVED
SDNY PRO SE OFFICE

http://www.uscourts.gov/submit

10007-13169